REMARKS

By this Amendment, claims 14, 17, 18, and 21-30 are pending, in which claims 13 and 20 are canceled without prejudice or disclaimer and claims 14, 17, 18, and 21-23 are currently amended.   No new matter is introduced.

The Office Action mailed December 24, 2008 rejected claims 19, 20, 22, and 23 under the first paragraph of 35 U.S.C. § 112, as failing to comply with the written description requirement, and rejected claims 13, 14, 17, 18, and 20-30 under 35 U.S.C. 103(a) as being obvious based on *Mathis* (U.S. Pub. 2003/0119540) in view of *Griffin et al.* (U.S. Pub. 2004/0015547).

Regarding the rejection of claims 19, 20, 22, and 23 under the first paragraph of 35 U.S.C. § 112, Applicant has amended claims 22 and 23 to now recite a "computer-readable tangible storage medium," thereby clarifying that the mediums are tangible mediums.   Claims 19 and 20 are canceled.

In order to reduce issues for potential appeal, Applicant has amended independent claims 14, 17, 18, and 21-23.   As amended, independent claims 14 and 23 recite, *inter alia*, "receiving **the user's selection of two or more individual subscribers for a new ad-hoc group call** from the list via the user interface; and in response to the user selecting a predetermined operation in the group communications menu or the user pressing a predetermined button, providing appropriate **control plane function signaling with a group communication service in a network infrastructure for establishing said new ad-hoc group call** with said newly selected individual subscribers and the user of the subscriber device . . . wherein said speech item or said speech item request is sent **based on settings defined in user plane functions.**"   Independent claims 17 and 22 now recite, *inter alia*, "in response to the **user's selection of two or more**

individual subscribers for a new ad-hoc group call from the list via the user interface, to display a group communications menu on the user interface; and in response to the user selecting a predetermined operation in the group communications menu or the user pressing a predetermined button, to exchange appropriate **control plane function signaling with a group communication service in a network infrastructure for establishing said new ad-hoc group call** . . . wherein said the speech item or said speech item request is sent **based on settings defined in user plane functions.**"   Amended independent claim 18 recites, *inter alia*, "in response to the **user's selection of two or more subscribers from the list via the user interface** and the user selecting a predetermined operation in the group communications menu or the user pressing a predetermined button, providing appropriate **control plane function signaling with a group communication service in a network infrastructure for establishing said new ad-hoc group call** with said newly selected individual subscribers and the user of the apparatus . . . wherein said the speech item or said speech item request is sent based on **settings defined in user plan functions.**"   Independent claim 21, as amended, recites, *inter alia*, "said controller being further connected to said transceiver **to send** via said transceiver to a group communication service in a network infrastructure **an ad-hoc group call setup control plane function signaling for said new ad-hoc group call** with the newly selected individual subscribers and the user of the apparatus; and said controller being configured to send a speech item or a speech item request each time a talk activity is detected or indicated in the apparatus during said ad hoc group call, **wherein said speech item or said speech item request is sent based on settings defined in user plane functions.**"

The Office Action, on pages 3-4, argues that *Mathis* teaches, "in response to the user's selection of two or more subscribers from the list via the user interface and in response to the

user pressing a predetermined button . . . providing appropriate signaling with a group communication service in a network infrastructure for establishing a . . . . group call of the selected subscribers and the user of the subscriber device," citing paragraphs [0013], [0016], and [0018], as well as FIG. 2. In particular, the Examiner asserts that "selecting group TG1 means users A and B are selected which broadly reads on the limitation of 'selection of two or more subscribers,'" (Office Action, pages 3-4). Applicant respectfully disagrees as *Mathis* merely teaches a conventional "push-to-talk" service, whereby users select from **predefined groups** and, thus, the users are not capable of selecting two or more individual subscribers for **a new ad-hoc group call** from a list of subscribers.

More specifically, *Mathis* discloses "a method for conducting a group call among communication devices [also referred to as client devices] based on presence information of the communication devices," (*See, e.g.,* ¶ [0004]). In this manner, each client device includes, i.e., stores, a contact list that is capable of identifying one or more of the talk groups, (¶ [0012]). It is particularly noted that "[e]ach entry of the contact lists . . . corresponds to **a configured talk group or another user or, more particularly, another client device**," (¶ [0013]). As such, when a dispatch group call is to be placed, "a client device operated by a user **consults the contact list display for the desired talk group or critical user**," and then "the user presses the push-to-talk button or otherwise indicates intent to invoke the dispatch group call service," (¶ [0018]). Accordingly, *Mathis* teaches a conventional push-to-talk service, whereby users place dispatch groups calls based on predefined groups already stored to a contact list. Namely, at no point does *Mathis* teach, or even remotely suggest, "receiving the user's selection of two or more **individual subscribers** for a **new ad-hoc group call** from the list via the user interface." This

is because *Mathis* is not even remotely concerned with ad-hoc groups but, more appropriately, is directed towards pre-established groups that are pre-stored to a client device.

The Office Action, on page 6, acknowledges this deficiency by correctly stating that *Mathis* does not "specifically teach, 'an ad hoc group call." Therefore, since *Mathis* does not teach an ad-hoc group call, *Mathis* cannot teach "receiving the user's selection of two or more individual subscribers **for a new ad-hoc group call**," or "providing appropriate control plane function signaling with a group communication service in a network infrastructure **for establishing said new ad-hoc group call** with said newly selected individual subscribers and the user of the subscriber device."

In an attempt to cure the deficiency, the Office Action erroneously applies *Griffin et al.*, arguing that the applied reference teaches, "in response to the user's selection of two or more individual subscribers for a new ad-hoc group call from the list via the user interface," citing paragraphs [0048]-[0050], as well as FIGs. 10 and 14. It is also asserted that *Griffin et al.* supposedly teaches, "providing appropriate signaling with a group communication service in a network infrastructure for establishing said new ad-hoc group call with said newly selected individual subscribers and the user of the subscriber device," and "sending a speech item or a speech item request each time a talk activity is detected or indicated in the subscriber device during said ad hoc group call, wherein said speech item or said speech item request is sent based on real-time transfer protocol," citing paragraphs [0049], [0050], [0062], and [0065], as well as FIG. 14. Again, Applicant respectfully disagrees, and notes that *Griffin et al.* merely provides for predefined groups, does not suggest appropriate control plane function signaling for establishing an ad hoc group call, nor are speech items or speech item requests sent based on setting defined in user plane functions.

In particular, *Griffin et al.* states, in paragraph [0050], that "[i]f a user selects or deselects a group entry, **all the members of the group are automatically selected or deselected**." A particular function is provided that "presents the user with additional options to **manage the group**, such as renaming the group, removing the group or its member, adding a new group or individual, collapsing or expanding the group, collapsing or expanding all groups and so on," (¶ [0050]). However, these groups are still predefined groups, i.e., they are not created as ad-hoc groups, and are stored as such predefined groups. Dissimilarly, Applicant has specifically defined ad-hoc groups as, "the existence of the groups **is limited to the duration of the group call** . . . they are formed **on the need basis** . . .the group members participating in the group are not-predefined but the group consists of people selected based on the subject/need of the call, and optionally, on the presence information of the people to be part of the group call, e.g., user availability, context, location or terminal status," (*See* Specification, page 11, lines 4-10). In this manner, *Griffin et al.* fails to teach "ad-hoc" groups, as the groups are stored as permanent groups.

Even still, *Griffin et al.* fails to teach, or even remotely suggest, providing appropriate **control plane function signaling for establishing an ad hoc group call** with said newly selected individual subscribers and the user of the subscriber device." For instance, paragraph [0062] of *Griffin et al.* relates to instances "when the user is recording and transmitting an outbound speech message." In this manner, the reference specifically states, such as in paragraph [0040], that "an outbound chat message 400 that the terminal 100 sends to the message broadcaster 303 . . . comprises a message type 401 (e.g., text, speech, and so on), a number of intended recipients 402, a plurality of recipient identifiers 403, a thread identifier 404, a message length 405, message content 406, and a number of attachments 407." The message broadcaster

303 complies a list of target recipients based on the recipient identifiers 403 and transmits an inbound chat message 500 to the list of target recipients, (¶ [0041])   As such, there is no control plane function signaling for establishing an ad hoc group call but, instead, messages are transmitted based on information included within outbound chat messages 400.   Moreover, paragraph [0066] does not deal with group calls at all.   It is specifically stated that "an individual chatting with another user may at some point wish to initiate a phone conversation," (¶ [0066]).   Accordingly, "the user requests the server complex 204 to initiate a phone conversation be sending a command from the mobile terminal 100 to the server complex 204 comprising at least the information needed **to establish a phone call between the send and the target recipient**," (*Id.*).   As such, the establishments of phone calls are not between groups, i.e., they are one-to-one calls between callers and callees.

Additionally, *Griffin et al.* fails to teach, or even remotely suggest, that "sending a speech item or a speech item request each time a talk activity is detected or indicated in the subscriber device during said ad hoc group call, wherein said speech item or said speech item request is sent based on settings defined in user plane functions."   At best, *Griffin et al.* merely teaches that a speech message may be sent.

Thus, whether taken alone or in combination, and Applicant certainly does not agree that the requisite fact-based motivation has been established for combining the applied references, *Mathis et al.* and *Griffin et al.* fail to obviate the claimed subject matter.   Applicant, therefore, submits that the imposed 35 U.S.C. § 103(a) rejection of claims 13, 14, 17, 18, and 20-30 is unsustainable and, hence, should be withdrawn.   *See, e.g., Uniroyal, Inc. v. Rudkin-Wiley Corp.,* 837 F.2d 1044 (Fed. Cir. 1988).

Therefore, the present application, as amended, overcomes the rejections of record and is in condition for allowance. Favorable consideration is respectfully requested. If any unresolved issues remain, it is respectfully requested that the Examiner telephone the undersigned attorney at 703-519-9952 so that such issues may be resolved as expeditiously as possible.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 504213 and please credit any excess fees to such deposit account.

Respectfully Submitted,

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